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1 it. Because Kenny knew that the little
2 things that he was doing, that I would be
3 one of the ones that would bring it to his
4 faults when he came in to his supervisor.

5 Q. Did you call HR and tell them or
6 this hotline and tell them anything else
7 besides scheduling?

8 A. Uh-uh, just the scheduling.

9 Q. Does Kenny know -- do you know if
10 Kenny knew that you called this hotline?

11 A. He did.

12 Q. How do you know?

13 A. Because John Lawry told me.

14 Q. John Lawry told you that --

15 A. That he was aware that I had
16 called the --

17 Q. John Lawry --

18 A. No, he said they were aware that
19 I had called the hotline. And I told them
20 I did and I'll call them again if I need
21 to.

22 Q. Do you know if they -- how do you
23 know he was referring to Kenny?

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1 A. I knew he was.

2 Q. Okay. Do you know if Gandy was
3 aware?

4 A. He was too.

5 Q. How do you know?

6 A. Because all three of them would
7 be sitting back there giggling.

8 Q. Okay. But did you ever hear them
9 say that -- either Terry or Kenny say they
10 were aware you called the hotline?

11 A. No, because John. You know they
12 had to call the store to talk to Kenny for
13 John to know it.

14 Q. Now, when you called the hotline,
15 did you say anything --

16 A. I really was just asking them
17 about scheduling, that's what I was asking
18 them about.

19 Q. You didn't mention anything about
20 discrimination or race or anything like
21 that?

22 A. No. It wasn't even to that
23 point. That's what I'm telling you. I

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1 didn't even have a clue that I was getting
2 ready to be terminated, not a clue.

3 Q. So the managerial improprieties
4 you are talking about that you called to
5 report was just scheduling is what you just
6 said; is that right?

7 A. Right.

8 Q. Okay. Now, are you aware that
9 Sears has an EEO policy?

10 A. No.

11 Q. An equal employment opportunity
12 policy?

13 A. Oh, yeah.

14 Q. Okay. You're aware they have a
15 policy?

16 A. I am.

17 Q. Are you aware that they have an
18 affirmative action plan?

19 A. (Witness nodding head.)

20 Q. No?

21 A. No.

22 Q. Okay. Can you tell me every fact
23 that you have that you believe Sears acted

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1 with malice when it terminated your
2 employment?

3 A. What you mean?

4 Q. Well, tell me every fact you
5 have. You have raised a claim for --
6 you've amended your complaint to raise a
7 claim for punitive damages; is that
8 correct?

9 A. Uh-huh.

10 Q. Okay. Now, I want to know every
11 reason you -- every fact you have to
12 support your claim that Sears acted with
13 malice against you.

14 A. Well, basically because I was
15 terminated for doing something that Carolyn
16 Landers and Stephanie Darby was doing too.
17 I had been there longer than either one of
18 the two. But I was the one that he singled
19 out to terminate.

20 Q. Who is he?

21 A. Kenny Reese.

22 Q. Okay. Do you know if the
23 corporate office or any kind of CEO or

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1 executive was involved in this decision?

2 A. No. From my understanding, they
3 had a fit because he went by doing that.

4 Q. So any other reason you claim
5 that Sears acted with malice when it
6 terminated your employment?

7 A. Any I can think of right now,
8 you've asked me so much. Let me think
9 about it.

10 Q. I've covered a lot of ground
11 today, yes. Okay. Now, Ms. Willis, have
12 you told me every reason that you think
13 Sears terminated your employment based on
14 your race?

15 A. Yes.

16 Q. Okay. Is there any other
17 information that you have to support your
18 claim that Sears terminated you because of
19 your race?

20 A. They didn't terminate the other
21 girls that did the same thing.

22 Q. Okay. And we've covered that; is
23 that right?

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1 A. Yeah.

2 Q. Okay. Any other facts that you
3 have?

4 A. No.

5 Q. Okay.

6 MS. HEMSTREET: If you will give
7 me a few minutes to look over my notes. Do
8 you have any questions for her?

9 MR. MCINTYRE: Yeah, one or two,
10 quick our time is getting limited.

11

12 EXAMINATION BY MR. MCINTYRE:

13 Q. Quickly, we mentioned you had
14 sales meetings I think maybe on Fridays, is
15 that maybe the day when you had the
16 meetings typically?

17 A. Yeah.

18 Q. Okay. Did you -- were you
19 typically present at those meetings?

20 A. Well, the ones that I was present
21 at, now I can't say that I was present at
22 all the meetings. But the ones that I was
23 present at, it was mostly about sales and

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1 the PAs and the credit apps.

2 Q. You didn't -- what I'm getting at
3 -- you were not at or intentionally absent
4 from any of these meetings?

5 A. Oh, no.

6 Q. You were there when they were
7 scheduled and you were there?

8 A. I was there.

9 Q. On a regular basis?

10 A. I was there, yes.

11 Q. I know on some of these coupons
12 they reference there is printed, there's an
13 amount for such as \$399 or \$299 or more,
14 did you depend on the computer to screen
15 that sale --

16 A. Yes.

17 Q. -- for the correct amount?

18 A. Yes.

19 Q. Okay. Kenny Reese's, do you feel
20 or did you observe that he treated or
21 observed a difference in the way that Kenny
22 Reese treated the black associates compared
23 to the white associates?

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1 A. Yes. I mean, you know, there was
2 times that I witnessed myself where all the
3 black associates would be scheduled during
4 the day. The big monster sale, one of the
5 biggest sales there was only one person
6 scheduled that night and that was Carolyn
7 Landers. And he was over there helping her
8 ring sales. And he came and asked myself
9 and Jackie Dodson when were we leaving.

10 Q. So you feel -- you observed that
11 he had a different attitude toward the
12 black employees?

13 A. Oh, he did. Because, I mean, I
14 sold more than any associate there. But he
15 would come to the floor and he would ask us
16 about Carolyn Landers' sales.

17 Q. Did he demonstrate a different
18 demeanor in the way that he interacted with
19 the black sales associates compared to the
20 white sales associates?

21 A. He didn't interact with the
22 blacks.

23 Q. And he did interact with the

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1 whites?

2 A. He sure did.

3 Q. Did he appear to show more
4 preference for the white females?

5 A. He did. He was the only store
6 manager that I worked under that didn't
7 even look at the amount of sales that I
8 brought to that store. I was Sears' top
9 salesperson. All the rest of the store
10 managers commended my work. He was the
11 only one that didn't. And even the night
12 -- if we would stay over just to lend them
13 a helping hand, the next day or whenever
14 they would see us, they would commend us
15 for that. But, instead, he wanted to know
16 when were we leaving. This store is
17 crowded. There is no way in the world one
18 person or either two peoples could've taken
19 care of all those customers.

20 And we had a blowout weekend that
21 weekend. There is no telling -- this was
22 the month of October when they had the
23 monster sale. There is no telling how many

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1 customers I ring that month. It was the
2 weekend -- that was the end of October.
3 And he terminated me on November 1st. He
4 had been telling us in the meetings that he
5 was going to make some changes. I didn't
6 have a clue that I was going to be one of
7 them.

8 MS. HEMSTREET: Is that all your
9 questions?

10 MR. MCINTYRE: Okay. That's all.
11 I don't have any other questions. We'll
12 give you a minute to go over and hopefully
13 wrap this up.

14

15 FURTHER EXAMINATION BY MS. HEMSTREET:

16 Q. Now, you said observed him, are
17 you referring to Kenny Reese --

18 A. Yes.

19 Q. -- treating black employees
20 differently; is that right?

21 A. Yes.

22 Q. Okay. And one of those ways you
23 said was because of the scheduling; is that

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1 right?

2 A. Yes. And he's standing over
3 there ringing sales for Carolyn Landers.

4 Q. Do you know if he ever rang sales
5 for any of the black associates?

6 A. Uh-uh.

7 Q. In any of the other departments?

8 A. Uh-uh.

9 Q. Do you know?

10 A. I know he didn't.

11 Q. Do you know if he did?

12 A. I know he didn't.

13 Q. What facts do you base that on?

14 A. I mean, you don't have facts that
15 he didn't. I'm telling you he didn't. I
16 was there.

17 Q. Is that your assumption?

18 A. I was there. He didn't. He
19 didn't even speak to blacks.

20 Q. Okay. Do you know -- what facts
21 do you have to support your conclusion that
22 Kenny Reese didn't ring sales for any black
23 associates while he was there?

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1 A. I didn't see him ring any for
2 blacks.

3 Q. You didn't see him ring any?

4 A. But I seen him ring some for
5 Carolyn Landers.

6 Q. Do you know if he did outside of
7 your presence?

8 A. He didn't. He didn't even speak.

9 Q. Do you know if he did?

10 A. He didn't even speak.

11 Q. I'm asking if you know if he did.

12 A. He didn't even speak.

13 Q. Ms. Willis, you're not answering
14 my question.

15 A. I mean, if a person don't speak
16 to you, why would they put money in your
17 pocket. That don't make any sense.

18 Q. I'm asking you, do you know if he
19 rang up sales for any of the black sales
20 associates?

21 A. He didn't. I never seen him ring
22 up any.

23 Q. You never saw him?

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1 A. I never seen him ring up
2 anything.

3 Q. Okay.

4 A. But I seen him ring them up for
5 Ms. Landers.

6 Q. I know you did not see him ring
7 up any. I'm understanding you to say that.
8 But do you know if he did at times when you
9 weren't there or at times when you didn't
10 see him?

11 A. You know what, even if I wasn't
12 there, somebody, if he would ring something
13 for them, they would say it.

14 Q. Okay. But do you know for sure?

15 A. He didn't ring anything for them,
16 I doubt it, no.

17 Q. But you don't know?

18 A. I don't know. But I know he ring
19 sales for Ms. Landers. I know that. I've
20 seen that.

21 Q. Okay. Do you know if he asked
22 about other black associates' sales?

23 A. No. I had more sales than any of

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1 the rest of the associates and he didn't
2 ask about mine. So I know he didn't ask
3 about the rest of them.

4 Q. But do you know?

5 A. No.

6 Q. You only know what he asked you;
7 is that right?

8 A. Yeah.

9 Q. You don't know what he asked the
10 other associates, do you?

11 A. No.

12 Q. Now, we've already talked about
13 Ms. Landers was part time, correct?

14 A. Yes.

15 Q. Okay. And you didn't know her
16 availability as to when she was available
17 to work; is that right?

18 A. No.

19 Q. Do you know if Kenny Reese went
20 to lunch with Byron Mason frequently when
21 they worked together?

22 A. They did, Byron and John.

23 Q. And Byron is African American,

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1 correct?

2 A. Yeah. But, see, they were a part
3 of his management team.

4 Q. Do you know if Reese was involved
5 in the promotion of any black sales
6 associates or any black employees?

7 A. Well, I --

8 Q. Do you know?

9 A. I think he gave -- I think
10 Stacey, she was over -- that's about the
11 only one that I know of.

12 Q. Okay. Do you know of any other?

13 A. That's the only one I know of.

14 Q. Do you know if he's hired any
15 African Americans?

16 A. I don't know that either because
17 he terminated me. So I don't know what he
18 did.

19 Q. Do you know if he didn't talk to
20 the white associates?

21 A. No, he talked to them.

22 Q. Do you know if there were other
23 white associates that he didn't talk to?

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1 A. Not to my knowledge.

2 Q. Okay. So but there could be some
3 white associates out there he didn't talk
4 to, but you're not aware of any; is that
5 right?

6 A. I doubt it.

7 Q. But do you know if there are any?

8 A. Knowing Kenny, he talked to the
9 whites.

10 Q. Okay. Have you spoken to every
11 single white associate that's worked at
12 Sears?

13 A. I was there with the other white
14 associates before he even started.

15 Q. Have you talked to --

16 A. And I had a relationship built
17 with them. And I'm more than sure they
18 would've told me.

19 Q. Now, let me just finish my
20 question. Do you know if there were white
21 associates that Kenny Reese did not
22 associate with?

23 A. No. But I know there was a lot

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1 of black ones he didn't associate with.

2 Q. Do you know if he was involved in
3 the termination of any white employees?

4 A. If he was, they had done
5 something stupid.

6 Q. But do you know if he was?

7 A. I don't know.

8 Q. Okay. Now, Jackie Dodson was
9 retained, correct, she wasn't terminated;
10 is that right?

11 A. I guess. No, she wasn't
12 terminated when he terminated me.

13 Q. Okay.

14 A. During that day, I was the only
15 one terminated.

16 Q. And she was, according to you,
17 allegedly using the service coupons too; is
18 that right?

19 A. She used them too.

20 Q. And she's African American,
21 correct?

22 A. Uh-huh.

23 Q. And he elected not to terminate

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1 her or Sears elected not to terminate her;
2 is that right?

3 A. He elected not to terminate her.

4 Q. In your EEOC charge or your
5 complaint, you don't make a claim for
6 retaliation, do you?

7 A. No.

8 Q. Okay. Now, do you know if --
9 well, do you know if Kenny Reese and Terry
10 Gandy or anybody at the Auburn store
11 consulted with corporate HR prior to
12 terminating you or telling you you were
13 terminated?

14 A. From my understanding, I think
15 they had to. Now, what they told them, I
16 don't know.

17 Q. Okay.

18 A. I think they had to get
19 permission to terminate us, you know.

20 Q. So you don't know who was
21 involved in that decision?

22 A. I don't. They didn't tell me.
23 He was just too proud to sit there and tell

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1 me that I was terminated.

2 Q. So at the time you were
3 terminated, there were three black
4 associates working in appliances, correct?

5 A. Yeah.

6 Q. Okay. Out of five people total;
7 is that right?

8 A. Yeah, except for Carolyn and
9 Merrill.

10 Q. Now, I'm going to ask you one
11 more time. Have you told me every reason
12 today that you feel like you were -- that
13 you believe that you were terminated
14 because of your race?

15 A. That I can think of.

16 Q. Have I given you every
17 opportunity to tell me every reason?

18 A. Yeah, you've asked me. But
19 you've asked me so much stuff until, you
20 know, I ain't no dictionary.

21 Q. I guess what I'm getting at: Do
22 we need to sit here a little longer and let
23 you think about some more stuff, is there

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1 anything else out there?

2 A. Uh-uh.

3 Q. Because this is my chance to ask
4 you questions. I want to make sure I give
5 you every opportunity to tell me every
6 reason you think you were discriminated
7 against because of your race.

8 A. I mean, I've given them to you
9 already.

10 Q. Okay. Now, one more thing. Do
11 you know if Kenny called any of the white
12 sales associates off the floor to help him
13 do things?

14 A. I don't know. I don't know. I
15 know he called me.

16 Q. Okay.

17 A. For stupid little stuff. I mean,
18 that he could've just told me to just call
19 Lowe's. Not to come to his office to tell
20 me to call Lowe's. I mean, we had a phone
21 sitting right there. The only thing he had
22 to tell me was to call Lowe's to see what
23 their delivery charge was. I didn't have

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1 to go to his office for that.

2 Q. But do you know if he called some
3 of the white associates back to his office
4 to help him do things?

5 A. He didn't call them the day that
6 he called me. I don't know what he did. I
7 can only speak for me.

8 Q. Okay. I think that's about it.
9 That's all I got.

10

11 (THE DEPOSITION CONCLUDED AT 3:05 P.M.)

12

13

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23

1 C E R T I F I C A T E

2 STATE OF ALABAMA)

3 COUNTY OF JEFFERSON)

4

5 I hereby certify that the
6 above and foregoing proceeding was taken
7 down by me by stenographic means, and that
8 the content herein was produced in
9 transcript form by computer aid under my
10 supervision, and that the foregoing
11 represents, to the best of my ability, a
12 true and correct transcript of the
13 proceedings occurring on said date at said
14 time.

15 I further certify that I am
16 neither of counsel nor of kin to the
17 parties to the action; nor am I in anywise
18 interested in the result of said case.

19

20

21

Budget S. McClain

22

Court Reporter and Commissioner

23

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